

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/IB2005/051143	International filing date (day/month/year) 07.04.2005	Priority date (day/month/year) 14.04.2004
International Patent Classification (IPC) or both national classification and IPC G11B23/00, G11B7/24		
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Lehnberg, C

Telephone No. +49 89 2399-2590



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

I). **Re Item V**

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1) Reference is made to the following document/s/:

D1: US-A-5 905 798 (NERLIKAR ET AL) 18 May 1999 (1999-05-18)
D2: US-A-5 940 363 (RO ET AL) 17 August 1999 (1999-08-17)
D3: EP-A-0 996 124 (HITACHI, LTD) 26 April 2000 (2000-04-26)

1.2) Comparison of the subject matter of present claims 1 to 11, 13, 14, 16, 26 and 27 with the disclosure of D1 (see abstract, figure 1, claims 1 and 2, column 1, line 63 to column 2, line 48) reveals that an information carrier, a device for recording / reproducing such a carrier and a manufacturing method therefor comprising all the features and steps defined in said claims are already known, so that present claims 1 to 11, 13, 14, 16, 26 and 27 do not meet the novelty requirements of Article 33(2) PCT.

1.3) In the same way, the comparison of the subject matter of present claims 1 to 3, 6, 8, 9, 11, 13, 14, and 16 with the disclosure of D2 (see abstract, figure 2, column 1, line 52 to column 4, line 4) reveals that an information carrier and a device for recording / reproducing such a carrier comprising all the features defined in said claims are already known, so that present claims 1 to 3, 6, 8, 9, 11, 13, 14, and 16 do not meet the novelty requirements of Article 33(2) PCT.

1.4) The fact that the integrated circuit is located on the bottom of a blind hole extending in a first side of the disc is a feature the skilled man would be able to perform in order to locate an integrated circuit in a recording disc without the exercise of inventive skill, so that the subject matter of present dependent claim 12 is not considered to involve an inventive step as required by Article 33(3) PCT.

- 1.5) In the same way, the fact that the second communicator comprises a coil is merely one of several solutions from which the skilled man would select in order to solve the posed problem (communicating via RF) without the exercise of inventive skill; therefore, the subject matter of present claim 15 is not considered to involve the required inventive step (Article 33(3) PCT).

- 1.6) None of the available prior art documents really discloses nor suggests the subject matter of dependent claims 17 to 25 which define in fact the positional relation between a second communicator located in the reading apparatus and a first communicator located inside a clamping area of a recording medium.

II). Re Item VI

Certain documents cited

Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO2004/097731	11.11.2004	22.04.2004	25.04.2003

III). Re Item VII

Certain defects in the international application

- 3.1) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D3 is not mentioned in the description, nor is/are this/these documents identified therein.

- 3.2) The description is not in conformity with new claims which could have been filed as required by Rule 5.1(a)(iii) PCT.

IV). Re Item VIII

Certain observations on the international application

4.1) In dependent claim 3, it is not really clear what is meant by "annular transitional part" of the disc because this feature is not defined in relation to the disc; nevertheless, overcoming this objections would not had lead to a new and inventive claim.